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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/759,704	YANG ET AL.	
	Examiner	Art Unit	
	Ashok B. Patel	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *04 September 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-25* is/are pending in the application.

4a) Of the above claim(s) *2,5,7,10,13,15,18,21 and 23* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3,4,6,8,9,11,12,14,16,17,19,20,22,24 and 25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-25 are subject to examination. Claims 2, 7, 10, 15, 18 and 23 have been cancelled.

Response to Arguments

2. Applicant's arguments filed 09/04/2007 have been fully considered and are addressed as follows:

Applicant's argument:

"CLAIMS 1, 6, and 14

For example, claim 1 has been amended to recite, among other things, the feature of dynamically presenting the real-time hardware information associated with the selected network device through a display, the display comprising a first and a second window, the first window comprising a hierarchical tree structure of user-selectable hardware characteristics of the selected network device, the second window comprising a tabular display of information associated with a hardware characteristic selected by the user in the hierarchical tree structure of the first window. Kekic does not disclose at least these features of claim 1. "

Examiner's response:

Please refer to the following rejection provided in view of Rivette et al. (US 2007/0208669)

Applicant's argument:

"CLAIMS 3, 8, 9, 11, 16, 17, 19, 24, and 25

As another example, independent claim 9 includes the feature of polling the first and second network devices based on a polling configuration file that specifies separate intervals for individual ones of the parameters related to the hardware characteristics. "

Examiner's response:

Kekic teaches at col. 8, line 9-11, "Each active component of a managed computer network element has states, which are defined within the managed element object."

Kekic teaches at col. 4, line 56-58, "In contrast to trap events, polling events are proactive requests made by management station 110 to elicit information from the agent."

Kekic teaches at col. 18, line 19-30, "A poll event in a managed element object contains information on a set of attributes that need to be polled, a default polling interval, a current polling interval that is being used, and a set of flags that are used to determine if polling is turned on or off for the event, and if the polling results are to be logged. The poll event also contains a list of states and an associated polling interval for each state."

Kekic teaches at col. 18, line 48-55, "As just explained, the frequency of the polling request is set initially set by the individual that builds the element manager for the computer network element. However, if the polling request frequency adversely affects the computer network performance, the polling frequency for the managed element object can be modified to achieve optimal performance vs. polling frequency."

Thus , Kekic teaches "polling the first and the second network devices based on a polling configuration file that specifies separate intervals for individual ones of the parameters related to the hardware characteristics. "

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 14 and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Referring to claim 14,

Claim 14 recites the limitation "The software of Claim 1, wherein the hardware information includes chassis component information." There is insufficient antecedent basis for this limitation in the claim 1. Appropriate correction is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1, 6, 8,, 14, 16 and 24 are rejected under 35 U.S.C. 103(a) as being Unpatentable over Kekic et al. (hereinafter Kekic)(US 5, 999, 179) in view of Rivette et al. (hereinafter Rivette)(US 2007/0208669)

Referring to claim 1,

Kekic teaches a method for monitoring hardware information associated with a plurality of distinct network devices in an enterprise system (col. 43, line 28-47, "Managing Computer Network Elements Management activities performed by server 314 include: discovering elements on the network which may be managed; organizing the managed elements into groups; associating element managers with physical computer network elements; responding to alarms and reviewing an alarm log of exceptional network events; monitoring and controlling real-time network behavior by getting and setting MIB variables; using buttons to configure MIB variables with a single click; graphing real-time MIB variable values; tweaking rule definitions in order to hone in on anomalous network behavior; and using a stand-alone MIB browser to manually manage elements without an EM or just to get MIB information."), comprising:

invoking a flexible configuration file (col. 16, line 18-31, "Client-server network management system 375 is really two applications in one: a visual element manager builder and a manager. As explained more completely below, the visual element manager builder is a visual development environment in which device vendors or network managers may create standardized element management applications, called element managers. The manager provides the run-time environment in which the

element managers may be executed to monitor and manage computer network behavior such as network throughput, collision rate, and number of duplicate IP packets, to name a few. No programming is required and the separation between the visual element manager and the manager is seamless and transparent to the user." **Note:** Client-server network management system 375 with "a visual element manger builder" building the "Fig. 3B" is the a flexible configuration file.) the flexible configuration file comprising a first location directive to retrieve parameters from a first network device and a second location directive to retrieve parameters from a second network device, the first network device comprising a first device type and the second network device comprising a second device type (col. 16, line 33-44, "According to the principles of this invention, one of a plurality of element managers 315 is associated with each managed computer network element in computer network 300, e.g., an element manager is associated with each of managed computer network elements 310 to 350. Herein, a management-enabled computer network element is any element in a computer network that can be managed using a computer network management protocol, such as SNMP. A management-enabled computer network element can be any hardware or software on computer network 300 that implements the network management protocol by having a network management agent and a network management information database, or a similar process.", Note: Please note that "one of a plurality of element managers 315 is associated with each managed computer network element in computer network 300, e.g., an element manager is associated with each of managed computer network elements 310 to 350.", as such one of the plurality of element manager is "a first

location directive to retrieve parameters from a first network device", one of the plurality of element manager is "a second location directive to retrieve parameters from a second network device", and it is evident that element 320 is "workstation" and 330 is BRIDGE, and therefore "the first network device comprising a first device type and the second network device comprising a second device type.").

remotely retrieving (col. 21, line 23-30, "Managed element server 314 also interacts with managed element clients such as managed element server client 391 on portable personal computer 390, managed element server client 361 on personal computer 360, and managed element server client 371 on workstation 370. Multiple managed element clients can connect to managed element server 314, and can view and manipulate the plurality of managed element objects 415. Each of managed element server clients 361, 371 and 391 provides a graphic user-interface 375.")real-time hardware information associated with (i) the first network device based on the first location directive and (ii) the second network device based on the second location directive (col. 50, line 64-col. 51, line 13, "Monitoring and Controlling Real-time Network Behavior The ability to monitor and control computer network 300 is fundamental to network configuration management. The values of MIB variables which have been associated with a component polling or trap event, as predefined in the element manager, may be displayed in a status panel whenever the event is detected on the network. The MIB variables, which have READ-WRITE access, may also be modified. The status panel for a component may be displayed only if monitoring for the managed computer network element was turned on when the computer network element was

configured for management."), the hardware information including information of one or more hardware characteristics of the first network device or the second network device; enabling selection , by a user, of the first network device or the second network device (col. 16, line 33-44, "A management-enabled computer network element can be any hardware or software on computer network 300 that implements the network management protocol by having a network management agent and a network management information database, or a similar process." Note: Please note in the above cited col. 50, line 64-col. 51, line 13, Status for "a component" is the "information of one or more hardware characteristics.", col. 6, line 14-25, "The graphic user interface of this invention, that is displayed by the client, includes a visual image of a computer network element being managed. The visual image includes a representation of the components of the computer network element, which include for example active components such as ports; a set of LEDs, and action buttons that are typically used to change the state of the compeer network element. The user can select one of the components by clicking on a representation of the component in a navigation tree that is displayed in a navigation area of the graphic user interface, or alternatively by clicking on the component in the visual image."); and

dynamically presenting the real-time hardware information associated with the selected network device through a display (col. 6, line 14-25, "The graphic user interface of this invention, that is displayed by the client, includes a visual image of a computer network element being managed. The visual image includes a representation of the components of the computer network element, which include for example active

components such as ports; a set of LEDs, and action buttons that are typically used to change the state of the compeer network element. The user can select one of the components by clicking on a representation of the component in a navigation tree that is displayed in a navigation area of the graphic user interface, or alternatively by clicking on the component in the visual image.", col. 21, line 23-30, "Managed element server 314 also interacts with managed element clients such as managed element server client 391 on portable personal computer 390, managed element server client 361 on personal computer 360, and managed element server client 371 on workstation 370. Multiple managed element clients can connect to managed element server 314, and can view and manipulate the plurality of managed element objects 415. Each of managed element server clients 361, 371 and 391 provides a graphic user-interface 375.", the display including multiple windows as shown Fig. 3)

Kekic specifically fails to teach the display comprising a first window and a second window, the first window comprising a hierarchical tree structure of user-selectable hardware characteristics of the selected network device, the second window including a tabular display of information associated with a hardware characteristic selected by a user in the hierarchical tree structure of the first window.

Rivette teaches the display comprising a first window and a second window, the first window comprising a hierarchical tree structure of user-selectable hardware characteristics of the selected network device, the second window including a tabular display of information associated with a hardware characteristic selected by a user in the hierarchical tree structure of the first window. (para. [0568], "The client grouping

module 712 displays the group hierarchy and the documents in a group, and enables a user to manipulate and process groups. FIG. 58 depicts an example screen shot displayed by the client grouping module 712 on the client monitor 1122. In a first window 5804, the client grouping module 712 displays a graphical representation of the hierarchy of groups stored in the group databases 621. Suppose that the user has selected an ALU group 5808 in this first window 5804. Selection of a group in the first window 5804 causes a list of the documents in the selected group to be displayed in a second window 5806. Accordingly, the client grouping module 712 displays the following list of documents: U.S. Pat. Nos. 4,333,AAA; 4,788,BBB; 5,278,CCC; 4,760,478 (as should be apparent from this example, many of the patents referred to herein for illustrative purposes are fictional). These documents are in the selected ALU group. Note that the second window 5806 also displays bibliographic information on the listed documents. Preferably, the information listed in the second window 5806 is in a spread sheet format. However, other formats could alternatively be used."

Therefore it would have been an obvious to one of an ordinary skill in art to use the technique of a graphical representation of Rivette in displaying the real-time hardware information associated with the selected network device through a display of Kekic. Using the known technique wherein "Selection of a group in the first window 5804 causes a list of the documents in the selected group to be displayed in a second window 5806 " would have been obvious to one of ordinary skill, because of the obvious advantage of displaying correlating information along with the details of the selected item thereby avoiding erroneous viewing of the information.

Referring to claim 6,

Kekic teaches the method of Claim 1, wherein remotely retrieving real-time hardware information associated with (i) the first network device based on the first location directive and (ii) the second network device based on the second location directive (col. 16, line 33-44, "According to the principles of this invention, one of a plurality of element managers 315 is associated with each managed computer network element in computer network 300, e.g., an element manager is associated with each of managed computer network elements 310 to 350. Herein, a management-enabled computer network element is any element in a computer network that can be managed using a computer network management protocol, such as SNMP. A management-enabled computer network element can be any hardware or software on computer network 300 that implements the network management protocol by having a network management agent and a network management information database, or a similar process.", Note: Please note that "one of a plurality of element managers 315 is associated with each managed computer network element in computer network 300, e.g., an element manager is associated with each of managed computer network elements 310 to 350.", as such one of the plurality of element manager is "a first location directive to retrieve parameters from a first network device", one of the plurality of element manager is "a second location directive to retrieve parameters from a second network device", and it is evident that element 320 is "workstation" and 330 is BRIDGE, and therefore "the first network device comprising a first device type and the second network device comprising a second device type.") polling the first particular network

device and the second network device based on a polling configuration file, the polling configuration file comprising separate polling intervals for individual ones of the parameters related to each hardware characteristic (Kekic teaches at col. 8, line 9-11, "Each active component of a managed computer network element has states, which are defined within the managed element object."

Kekic teaches at col. 4, line 56-58, "In contrast to trap events, polling events are proactive requests made by management station 110 to elicit information from the agent."

Kekic teaches at col. 18, line 19-30, "A poll event in a managed element object contains information on a set of attributes that need to be polled, a default polling interval, a current polling interval that is being used, and a set of flags that are used to determine if polling is turned on or off for the event, and if the polling results are to be logged. The poll event also contains a list of states and an associated polling interval for each state."

Kekic teaches at col. 18, line 48-55, "As just explained, the frequency of the polling request is set initially set by the individual that builds the element manager for the computer network element. However, if the polling request frequency adversely affects the computer network performance, the polling frequency for the managed element object can be modified to achieve optimal performance vs. polling frequency.")

Referring to claim 8,

Kekic teaches the method of Claim 25, further comprising enabling a user to select the first network device or the second network device (col. 16, line 33-44, "A

management-enabled computer network element can be any hardware or software on computer network 300 that implements the network management protocol by having a network management agent and a network management information database, or a similar process." Note: Please note in the above cited col. 50, line 64-col. 51, line 13, Status for "a component" is the "information of one or more hardware characteristics.", col. 6, line 14-25, "The graphic user interface of this invention, that is displayed by the client, includes a visual image of a computer network element being managed. The visual image includes a representation of the components of the computer network element, which include for example active components such as ports; a set of LEDs, and action buttons that are typically used to change the state of the compeer network element. The user can select one of the components by clicking on a representation of the component in a navigation tree that is displayed in a navigation area of the graphic user interface, or alternatively by clicking on the component in the visual image."), however, Kekic fails to teach the display comprises a first window and a second window, the first window comprising a hierarchical tree structure of user-selectable hardware characteristics of the selected network device, the second window including a tabular display of information associated with a hardware characteristic selected by a user in the hierarchical tree structure of the first window.

Rivette teaches the display comprises a first window and a second window, the first window comprising a hierarchical tree structure of user-selectable hardware characteristics of the selected network device, the second window including a tabular display of information associated with a hardware characteristic selected by a user in

the hierarchical tree structure of the first window (para. [0568], "The client grouping module 712 displays the group hierarchy and the documents in a group, and enables a user to manipulate and process groups. FIG. 58 depicts an example screen shot displayed by the client grouping module 712 on the client monitor 1122. In a first window 5804, the client grouping module 712 displays a graphical representation of the hierarchy of groups stored in the group databases 621. Suppose that the user has selected an ALU group 5808 in this first window 5804. Selection of a group in the first window 5804 causes a list of the documents in the selected group to be displayed in a second window 5806. Accordingly, the client grouping module 712 displays the following list of documents: U.S. Pat. Nos. 4,333,AAA; 4,788,BBB; 5,278,CCC; 4,760,478 (as should be apparent from this example, many of the patents referred to herein for illustrative purposes are fictional). These documents are in the selected ALU group. Note that the second window 5806 also displays bibliographic information on the listed documents. Preferably, the information listed in the second window 5806 is in a spread sheet format. However, other formats could alternatively be used."

Therefore it would have been an obvious to one of an ordinary skill in art to use the technique of a graphical representation of Rivette in displaying the real-time hardware information associated with the selected network device through a display of Kekic. Using the known technique wherein "Selection of a group in the first window 5804 causes a list of the documents in the selected group to be displayed in a second window 5806 " would have been obvious to one of ordinary skill, because of the obvious

advantage of displaying correlating information along with the details of the selected item thereby avoiding erroneous viewing of the information.

Referring to claim 14,

Kekic teaches the an electronically readable medium of Claim 1, wherein the hardware information includes chassis component information (Fig. 3A, col. 16, line 39-44, 51-60, "According to the principles of this invention, one of a plurality of element managers 315 is associated with each managed computer network element in computer network 300, e.g., an element manager is associated with each of managed computer network elements 310 to 350. Herein, a management-enabled computer network element is any element in a computer network that can be managed using a computer network management protocol, such as SNMP. A management-enabled computer network element can be any hardware or software on computer network 300 that implements the network management protocol by having a network management agent and a network management information database, or a similar process.", col. 18, line 19-32, "A poll event in a managed element object contains information on a set of attributes that need to be polled, a default polling interval, a current polling interval that is being used, and a set of flags that are used to determine if polling is turned on or off for the event, and if the polling results are to be logged. The poll event also contains a list of states and an associated polling interval for each state. A poll event is processed by the poll server only when the managed element component associated with the poll event is in one of the listed states. The primary purpose of states is to classify the status of a component. States may also serve as transition points between changes in

modes of operation of a component." Note: The difference between "managed element component associated with the poll event" and "network element is any element in a computer network that can be managed using a computer network management protocol.")

Referring to claim 16,

Kekic teaches the an electronically readable medium of Claim 9, wherein the instructions further control the one or more processors to: enable a user to select the first network device or the second network device (col. 16, line 33-44, "A management-enabled computer network element can be any hardware or software on computer network 300 that implements the network management protocol by having a network management agent and a network management information database, or a similar process." Note: Please note in the above cited col. 50, line 64-col. 51, line 13, Status for "a component" is the "information of one or more hardware characteristics.", col. 6, line 14-25, "The graphic user interface of this invention, that is displayed by the client, includes a visual image of a computer network element being managed. The visual image includes a representation of the components of the computer network element, which include for example active components such as ports; a set of LEDs, and action buttons that are typically used to change the state of the compeer network element. The user can select one of the components by clicking on a representation of the component in a navigation tree that is displayed in a navigation area of the graphic user interface, or alternatively by clicking on the component in the visual image."), and dynamically presenting the real-time hardware information associated with the selected

network device through a display (col. 6, line 14-25, "The graphic user interface of this invention, that is displayed by the client, includes a visual image of a computer network element being managed. The visual image includes a representation of the components of the computer network element, which include for example active components such as ports; a set of LEDs, and action buttons that are typically used to change the state of the compeer network element. The user can select one of the components by clicking on a representation of the component in a navigation tree that is displayed in a navigation area of the graphic user interface, or alternatively by clicking on the component in the visual image.", col. 21, line 23-30, "Managed element server 314 also interacts with managed element clients such as managed element server client 391 on portable personal computer 390, managed element server client 361 on personal computer 360, and managed element server client 371 on workstation 370. Multiple managed element clients can connect to managed element server 314, and can view and manipulate the plurality of managed element objects 415. Each of managed element server clients 361, 371 and 391 provides a graphic user-interface 375.", the display including multiple windows as shown Fig. 3)

Kekic specifically fails to teach the display comprising and a second window, the first window comprising a hierarchical tree structure of user-selectable hardware characteristics of the selected network device, the second window including a tabular display of information associated with a hardware characteristic selected by a user in the hierarchical tree structure.

Rivette teaches the display comprising and a second window, the first window comprising a hierarchical tree structure of user-selectable hardware characteristics of the selected network device, the second window including a tabular display of information associated with a hardware characteristic selected by a user in the hierarchical tree structure.(para. [0568], "The client grouping module 712 displays the group hierarchy and the documents in a group, and enables a user to manipulate and process groups. FIG. 58 depicts an example screen shot displayed by the client grouping module 712 on the client monitor 1122. In a first window 5804, the client grouping module 712 displays a graphical representation of the hierarchy of groups stored in the group databases 621. Suppose that the user has selected an ALU group 5808 in this first window 5804. Selection of a group in the first window 5804 causes a list of the documents in the selected group to be displayed in a second window 5806. Accordingly, the client grouping module 712 displays the following list of documents: U.S. Pat. Nos. 4,333,AAA; 4,788,BBB; 5,278,CCC; 4,760,478 (as should be apparent from this example, many of the patents referred to herein for illustrative purposes are fictional). These documents are in the selected ALU group. Note that the second window 5806 also displays bibliographic information on the listed documents. Preferably, the information listed in the second window 5806 is in a spread sheet format. However, other formats could alternatively be used."

Therefore it would have been an obvious to one of an ordinary skill in art to use the technique of a graphical representation of Rivette in displaying the real-time hardware information associated with the selected network device through a display of

Kekic. Using the known technique wherein "Selection of a group in the first window 5804 causes a list of the documents in the selected group to be displayed in a second window 5806 " would have been obvious to one of ordinary skill, because of the obvious advantage of displaying correlating information along with the details of the selected item thereby avoiding erroneous viewing of the information.

Referring to claim 24,

Claim 24 is a claim to a system for monitoring information associated with a network element in accordance with the instructions of claim 16. Therefore, claim 24 is rejected for the reasons set forth for claim 16.

7. Claims 4, 12 and 20 are rejected under 35 U.S.C. 103(a) as being Unpatentable over Kekic et al. (hereinafter Kekic)(US 5, 999, 179) in view of Fung (US 2003/0200473 A1)

Referring to claim 4,

Kekic teaches the method of Claim 25, wherein at least one of the hardware characteristics are selected from the group consisting of memory usage (col. 23, line 34-38, col. 25, line 5-10); Central Processing Unit (CPU) usage (col. 23, line 34-28) and power supply status (col. 27, line 10-15), however Kekic fails to teach fan status and module card status.

Fung teaches the method of claim 1, each hardware characteristic selected from the group consisting of: memory usage (page 29, Table III, page 20, para.[190]); chassis temperature (page 8, para.[0079]); Central Processing Unit (CPU) usage (page 12, para.[107]); fan status (page 15, para.[0142], page 16, para.[0154]); module card

status (page 15, para.[0144], page 16, para. [00147]); and power supply status. (page 15, para. [0143]).

Therefore it would have been an obvious to one of an ordinary skill in art, having the teachings of Kekic and Fung in front of him at the time of invention was made, to include all these parameters be monitored for each of the devices by configuring the Element Manger for these "components" suggested by Kekic.

It would have been obvious because Kekic gives build up technology for each of the desired devices on the network to be monitored along with to be monitored "component" while Fung just shows what to monitor with suggesting that these parameters can also be retrieved through the industry's standard SNMP MIB, which is completely acceptable and implemental for Kekic.

Referring to claim 12,

Kekic teaches the electronically readable medium of Claim 9, the hardware characteristic including at least one hardware characteristic selected from the group consisting of memory usage (col. 23, line 34-38, col. 25, line 5-10); Central Processing Unit (CPU) usage (col. 23, line 34-28) and power supply status (col. 27, line 10-15), however fails to teach fan status and module card status.

Fung teaches the method of claim 1, each hardware characteristic selected from the group consisting of: memory usage (page 29, Table III, page 20, para.[190]); chassis temperature (page 8, para.[0079]); Central Processing Unit (CPU) usage (page 12, para.[107]); fan status (page 15, para.[0142], page 16, para.[0154]); module card

status (page 15, para.[0144], page 16, para. [00147]); and power supply status. (page 15, para. [0143]).

Therefore it would have been an obvious to one of an ordinary skill in art, having the teachings of Kekic and Fung in front of him at the time of invention was made, to include all these parameters be monitored for each of the devices by configuring the Element Manger for these "components" suggested by Kekic.

It would have been obvious because Kekic gives build up technology for each of the desired devices on the network to be monitored along with to be monitored "component" while Fung just shows what to monitor with suggesting that these parameters can also be retrieved through the industry's standard SNMP MIB, which is completely acceptable and implemental for Kekic.

Referring to claim 20,

Kekic teaches the method of Claim 25, wherein at least one of the hardware characteristics are selected from the group consisting of memory usage (col. 23, line 34-38, col. 25, line 5-10); Central Processing Unit (CPU) usage (col. 23, line 34-28) and power supply status (col. 27, line 10-15), however Kekic fails to teach fan status and module card status.

Fung teaches the method of claim 1, each hardware characteristic selected from the group consisting of: memory usage (page 29, Table III, page 20, para.[190]); chassis temperature (page 8, para.[0079]); Central Processing Unit (CPU) usage (page 12, para.[107]); fan status (page 15, para.[0142], page 16, para.[0154]); module card

status (page 15, para.[0144], page 16, para. [00147]); and power supply status. (page 15, para. [0143]).

Therefore it would have been an obvious to one of an ordinary skill in art, having the teachings of Kekic and Fung in front of him at the time of invention was made, to include all these parameters be monitored for each of the devices by configuring the Element Manger for these "components" suggested by Kekic.

It would have been obvious because Kekic gives build up technology for each of the desired devices on the network to be monitored along with to be monitored "component" while Fung just shows what to monitor with suggesting that these parameters can also be retrieved through the industry's standard SNMP MIB, which is completely acceptable and implemental for Kekic.

8. Claim 22 is rejected under 35 U.S.C. 103(a) as being Unpatentable over Kekic et al. (hereinafter Kekic)(US 5, 999, 179) Rivette et al. (hereinafter Rivette)(US 2007/0208669) as applied to claim 1, and further in view of Fung (US 2003/0200473 A1)

Referring to claim 22,

Kekic teaches the method of Claim 25, wherein at least one of the hardware characteristics are selected from the group consisting of memory usage (col. 23, line 34-38, col. 25, line 5-10); Central Processing Unit (CPU) usage (col. 23, line 34-28) and power supply status (col. 27, line 10-15), however Kekic fails to teach fan status and module card status.

Fung teaches the method of claim 1, each hardware characteristic selected from the group consisting of: memory usage (page 29, Table III, page 20, para.[190]); chassis temperature (page 8, para.[0079]); Central Processing Unit (CPU) usage (page 12, para.[107]); fan status (page 15, para.[0142], page 16, para.[0154]); module card status (page 15, para.[0144], page 16, para. [00147]); and power supply status. (page 15, para. [0143]).

Therefore it would have been an obvious to one of an ordinary skill in art, having the teachings of Kekic, Rivette and Fung in front of him at the time of invention was made, to include all these parameters be monitored for each of the devices by configuring the Element Manger for these "components" suggested by Kekic.

It would have been obvious because Kekic gives build up technology for each of the desired devices on the network to be monitored along with to be monitored "component" while Fung just shows what to monitor with suggesting that these parameters can also be retrieved through the industry's standard SNMP MIB, which is completely acceptable and implemental for Kekic.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 3, 9, 11, 17, 19 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Kekic et al. (hereinafter Kekic)(US 5, 999, 179)

Referring to claim 3,

Kekic teaches the method of Claim 25, the hardware information comprising chassis component information (Fig. 3A, col. 16, line 39-44, 51-60, "According to the principles of this invention, one of a plurality of element managers 315 is associated with each managed computer network element in computer network 300, e.g., an element manager is associated with each of managed computer network elements 310 to 350. Herein, a management-enabled computer network element is any element in a computer network that can be managed using a computer network management protocol, such as SNMP. A management-enabled computer network element can be any hardware or software on computer network 300 that implements the network management protocol by having a network management agent and a network management information database, or a similar process.", col. 18, line 19-32, "A poll event in a managed element object contains information on a set of attributes that need to be polled, a default polling interval, a current polling interval that is being used, and a set of flags that are used to determine if polling is turned on or off for the event, and if the polling results are to be logged. The poll event also contains a list of states and an associated polling interval for each state. A poll event is processed by the poll server only when the managed element component associated with the poll event is in one of the listed states. The primary purpose of states is to classify the status of a component. States may also serve as transition points between changes in modes of operation of a component." Note: The difference between "managed element component associated

with the poll event" and "network element is any element in a computer network that can be managed using a computer network management protocol.")

Referring to claim 9,

Kekic teaches an electronically readable medium, the medium comprising instructions that control one or more processors to (col. 14, line 8-26, "According to the principles of this invention, a managed element server 314 (FIG. 3A) was developed as a comprehensive open, standards-based network management solution for computer networks having a computer network management capability, such as SNMP. Managed element server 314 of this invention. efficiently manages a constantly changing and growing computer network 300 which is composed of a wide array of heterogeneous elements, e.g., operating system server 310, which in one embodiment is a Microsoft WINDOWS NT server, workstation 320, which could be for example a DEC, Sun Microsystems, or Silicon Graphics workstation, bridge 330, router 340, and printer 350, that are produced by different vendors, and that support many different platform types. (WINDOWS NT is a registered U.S. trademark of Microsoft Corp. of Redmond, Wash.) The solution of this invention, as described more completely below, is flexible, robust, secure, collaborative, and most importantly works.") to;

invoke a flexible configuration file (col. 16, line 18-31, "Client-server network management system 375 is really two applications in one: a visual element manager builder and a manager. As explained more completely below, the visual element manager builder is a visual development environment in which device vendors or network managers may create standardized element management applications, called

element managers. The manager provides the run-time environment in which the element managers may be executed to monitor and manage computer network behavior such as network throughput, collision rate, and number of duplicate IP packets, to name a few. No programming is required and the separation between the visual element manager and the manager is seamless and transparent to the user." **Note:** Client-server network management system 375 with "a visual element manger builder" building the "Fig. 3B" is the a flexible configuration file.) the flexible configuration file comprising a first location directive to retrieve parameters from a first network device and a second location directive to retrieve parameters from a second network device, the first network device comprising a first device type and the second network device comprising a second device type (col. 16, line 33-44, "According to the principles of this invention, one of a plurality of element managers 315 is associated with each managed computer network element in computer network 300, e.g., an element manager is associated with each of managed computer network elements 310 to 350. Herein, a management-enabled computer network element is any element in a computer network that can be managed using a computer network management protocol, such as SNMP. A management-enabled computer network element can be any hardware or software on computer network 300 that implements the network management protocol by having a network management agent and a network management information database, or a similar process.", Note: Please note that "one of a plurality of element managers 315 is associated with each managed computer network element in computer network 300, e.g., an element manager is associated with each of managed computer network

elements 310 to 350.", as such one of the plurality of element manager is "a first location directive to retrieve parameters from a first network device", one of the plurality of element manager is "a second location directive to retrieve parameters from a second network device", and it is evident that element 320 is "workstation" and 330 is BRIDGE, and therefore "the first network device comprising a first device type and the second network device comprising a second device type.")

remotely retrieving (col. 21, line 23-30, "Managed element server 314 also interacts with managed element clients such as managed element server client 391 on portable personal computer 390, managed element server client 361 on personal computer 360, and managed element server client 371 on workstation 370. Multiple managed element clients can connect to managed element server 314, and can view and manipulate the plurality of managed element objects 415. Each of managed element server clients 361, 371 and 391 provides a graphic user-interface 375.")real-time hardware information associated with (i) the first network device based on the first location directive and (ii) the second network device based on the second location directive (col. 50, line 64-col. 51, line 13, "Monitoring and Controlling Real-time Network Behavior The ability to monitor and control computer network 300 is fundamental to network configuration management. The values of MIB variables which have been associated with a component polling or trap event, as predefined in the element manager, may be displayed in a status panel whenever the event is detected on the network. The MIB variables, which have READ-WRITE access, may also be modified. The status panel for a component may be displayed only if monitoring for the managed

computer network element was turned on when the computer network element was configured for management."), the hardware information including information of one or more hardware characteristics of the first network device or the second network device; (col. 16, line 33-44, "A management-enabled computer network element can be any hardware or software on computer network 300 that implements the network management protocol by having a network management agent and a network management information database, or a similar process." Note: Please note in the above cited col. 50, line 64-col. 51, line 13, Status for "a component" is the "information of one or more hardware characteristics.", col. 6, line 14-25, "The graphic user interface of this invention, that is displayed by the client, includes a visual image of a computer network element being managed. The visual image includes a representation of the components of the computer network element, which include for example active components such as ports; a set of LEDs, and action buttons that are typically used to change the state of the compeer network element. The user can select one of the components by clicking on a representation of the component in a navigation tree that is displayed in a navigation area of the graphic user interface, or alternatively by clicking on the component in the visual image."), wherein remotely retrieving the real-time hardware information comprises polling the first and second network devices based on a polling configuration file that specifies separate intervals for individual ones of the parameters related to each hardware characteristic (Kekic teaches at col. 8, line 9-11, "Each active component of a managed computer network element has states, which are defined within the managed element object."

Kekic teaches at col. 4, line 56-58, "In contrast to trap events, polling events are proactive requests made by management station 110 to elicit information from the agent."

Kekic teaches at col. 18, line 19-30, "A poll event in a managed element object contains information on a set of attributes that need to be polled, a default polling interval, a current polling interval that is being used, and a set of flags that are used to determine if polling is turned on or off for the event, and if the polling results are to be logged. The poll event also contains a list of states and an associated polling interval for each state."

Kekic teaches at col. 18, line 48-55, "As just explained, the frequency of the polling request is set initially set by the individual that builds the element manager for the computer network element. However, if the polling request frequency adversely affects the computer network performance, the polling frequency for the managed element object can be modified to achieve optimal performance vs. polling frequency."); and

dynamically presenting at least of a portion the real-time hardware information through a display (col. 21, line 23-30, "Managed element server 314 also interacts with managed element clients such as managed element server client 391 on portable personal computer 390, managed element server client 361 on personal computer 360, and managed element server client 371 on workstation 370. Multiple managed element clients can connect to managed element server 314, and can view and manipulate the

plurality of managed element objects 415. Each of managed element server clients 361, 371 and 391 provides a graphic user-interface 375.", Fig. 3),

Referring to claim 11,

Kekic teaches the software of Claim 9, the hardware information comprising chassis component information (Fig. 3A, col. 16, line 39-44, 51-60, "According to the principles of this invention, one of a plurality of element managers 315 is associated with each managed computer network element in computer network 300, e.g., an element manager is associated with each of managed computer network elements 310 to 350. Herein, a management-enabled computer network element is any element in a computer network that can be managed using a computer network management protocol, such as SNMP. A management-enabled computer network element can be any hardware or software on computer network 300 that implements the network management protocol by having a network management agent and a network management information database, or a similar process.", col. 18, line 19-32, "A poll event in a managed element object contains information on a set of attributes that need to be polled, a default polling interval, a current polling interval that is being used, and a set of flags that are used to determine if polling is turned on or off for the event, and if the polling results are to be logged. The poll event also contains a list of states and an associated polling interval for each state. A poll event is processed by the poll server only when the managed element component associated with the poll event is in one of the listed states. The primary purpose of states is to classify the status of a component. States may also serve as transition points between changes in modes of operation of a

component." Note: The difference between "managed element component associated with the poll event" and "network element is any element in a computer network that can be managed using a computer network management protocol.")

Referring to claim 17,

Claim 17 is a claim to a system for monitoring information associated with a network element in accordance with the instructions of claim 9. Therefore, claim 17 is rejected for the reasons set forth for claim 9. (please note col. 87, line 27-31 for MIB. Sever OS server hosts Element Manager Server, as such memory and processors are part of the system.)

Referring to claim 19,

Claim 19 is a claim to a system for monitoring information associated with a network element in accordance with the instructions of claim 11. Therefore, claim 17 is rejected for the reasons set forth for claim 11.

Referring to claim 25,

Claim 25 is a method for monitoring hardware information associated with a plurality of distinct network devices in an enterprise system in accordance with the instructions of claim 9. Therefore, claim 25 is rejected for the reasons set forth for claim 9.

Conclusion

Examiner's note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are

applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ashok B. Patel whose telephone number is (571) 272-3972. The examiner can normally be reached on 6:30 am-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan A. Flynn can be reached on (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ashok B. Patel
Examiner
Art Unit 2154